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OFFICE OF PETITIONS

In re Application of
Jerry L. Toms
Application No. 09/920,230
Filed: August 1, 2001
Attorney Docket No. 2263/101

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed September 8, 2005, to revive the above-identified application.

The petition is **GRANTED**.

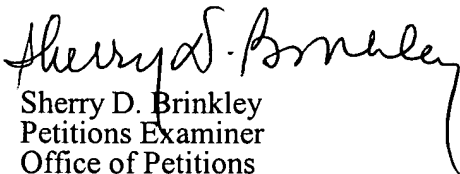
The application became abandoned for a failure to reply in a timely manner to a final Office action mailed September 10, 2003. A Notice of Abandonment was mailed on April 19, 2004. In response, on September 8, 2005, an amendment, Notice of Appeal and the present petition were filed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The 2-month period for filing the Appeal Brief under 37 CFR 41.37(a)(1), accompanied by the fee set forth in 37 CFR 41.20(b)(2), runs from the date of this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being referred to Technology Center AU 3651.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions